IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO :1232 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/7/2004 in WP NO : 11059 2004 on the file of the High Court.)

Between:

1. Union Bank of India, a Banking Company within the meaning of the Banking Regulations Act, 1949 and one of the Nationalised Banks pursuant to the Banking Companies (Acquisition, Transfe of Undertakings) Act, 1970, having its Central Office at 239, Vidhan Bhavan Marg, Mumbai-400 021 and one of it s Nodal Regional Offices on 2nd Floor, Lata Complex, Jushbagh, Nampally, Hyderabad 500 001 represented by its Deputy General Manager, Mr.S.M.Nasir.

2. The Chief Manager, Union Bank of India, NRO, Jusbagh, Latha Complex, 2nd Floor, Nampally, Hyderabad-1.

3. The Assistant General Manager, Union Bank of India, NRO, Jusbagh, Latha Complex, 2nd floor, Nampally, Hyderabad-1.

..... APPELLANTS

AND

Goli Venkaiah, s/o Goli China Chandraiah, r/o Tadakamalla village, Miryalaguda, Nalgonda District.

.....RESPONDENT

Counsel for the Appellants: MR.C.R.Sridharan

Counsel for the Respondent: None appeared.

The Court made the following :

JUDGMENT: (per the Hon'ble Sri Justice L.Narasimha Reddy)

Assailing the order dated 28-7-2004 in WP No.11059 of 2004, the appellants herein preferred the writ appeal with the leave of the Court.

The sole respondent herein, filed the writ petition, stating that the appellants were proposing to make appointments in the category of part-time sweeper and that the consideration of the candidates was restricted to those, sponsored by the Employment Exchange. He sought for a direction to the respondents to consider his case also, without insisting that he shall be sponsored by the Employment Exchange. The appellants 2 and 3 figured as respondents 1 and 2 in that writ petition. Following the judgment of the Supreme Court in ***EXCISE SUPERINTENDENT V. K.B.N.VISWESHWARA RAO,*** the learned single Judge allowed the writ petition.

Learned counsel for the appellants submits that it is prerogative of the appellants to choose the source from which they can pick up the candidates for appointment and there cannot be a direction by this Court to issue a notification inviting applications, in addition to consideration of the candidates, sponsored by the Employment Exchange. He places reliance upon the judgment rendered by a Division Bench of this Court in ***CHIEF MANAGER, PERSONAL AND HRD SECTION, STATE BANK OF INDIA V. K.LAKSHMAMMA***

Though the sole respondent was served with notice, he did not choose to appear.

The controversy in this writ appeal is in a very narrow compass. It is, as to whether an employer can restrict the consideration of the candidates for appointment to various posts, only to those who are sponsored by the Employment Exchange. In ***K.B.N.VISWESHWARA RAO's*** case ***(1)*** supra, the Supreme Court held that the Employment Exchange is one of the sources through which the candidates can be sponsored and that wherever the Government or a Public authority or State instrumentality undertakes appointments, it shall consider the other eligible candidates, irrespective of the fact that they were sponsored by the Employment Exchange. In ***K.LAKSHMAMMA's*** case ***(2)*** supra, a Division Bench of this Court, had an occasion to consider the same question, in the context of existence of a specific service regulation of the employer. It was noticed that the State Bank of India had formulated its own regulations and chapter 23 of Volume 2 there of and Clause (G), is to the effect that the recruitment of subordinate staff, shall be only through Employment Exchange. Certain exceptions in the case of Ex-service men etc., were also taken into account.

Learned counsel for the appellants is not in a position to place before this Court, any similar Regulation framed by the appellant-bank. He places reliance upon a copy of staff Circular No.2808 dated 20-05-1985. This circular cannot be equated to service regulation framed by the competent authority. Further, affording an opportunity to an otherwise eligible person, without insisting on sponsoring by Employment Exchange, cannot, in any way be said to have affected the interests of the appellants. Such course would not, in any way, render the recruitment norms inapplicable nor it would result in unqualified candidates being selected.

In that view of the matter, we are not inclined to interfere with the order under appeal.

Therefore, the writ appeal is dismissed.

(SMT T.MEENA KUMARI,J)

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(SRI L.NARASIMHA REDDY,J)

12-4-2005

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To

1.Union Bank of India, a Banking Company within the meaning of the Banking Regulations Act, 1949 and one of the Nationalized Banks pursuant to the Banking Companies (Acquisition, Transfer of Undertakings) Act, 1970, having its Central Office at 239, Vidhan Bhavan Marg, Mumbai-400 021 and one of it s Nodal Regional Offices on 2nd Floor, Lata Complex, Jushbagh, Nampally, Hyderabad 500 001 represented by its Deputy General Manager, Mr.S.M.Nasir.

2.The Chief Manager, Union Bank of India, NRO, Jusbagh, Latha

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3.The Assistant General Manager, Union Bank of India, NRO,

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